



Paper No. 3

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

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JAN 16 2002

OFFICE OF PETITIONS

In re Application of	:
Pazhyannur, Ali, and Rananand	: DECISION REFUSING STATUS
Application No. 10/003,378	: UNDER 37 CFR 1.47(a)
Filed: 15 November, 2001	:
Attorney Docket No. CE08500R	:

This is in response to the petition filed under 37 CFR 1.47(a) on 15 November, 2001.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.

Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 15 November, 2001, with a declaration naming Rajesh S. Pazhyannur, Irfan Ali, and Nol Rananand as joint inventors and signed by inventors Pazhyannur and Ali on behalf of themselves and joint inventor Rananand. The present petition was also filed on 15 November,

2001.

Petitioners state that they attempted to deliver "the relevant application papers" to Rananand via DHL courier service, but that the shipment was returned to the sender.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

- (3) the petition fee;

- (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

- (5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1). In regard to item (1), the showing of record, a single mailing and single email message, is not sufficient to show that diligent efforts were made to contact the non-signing inventor. Petitioners should attempt to determine the non-signing inventors current address through e-mail, national registry, or other types of searches. If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that the non-signing inventor cannot be reached.

Petitioners should submit a copy of the envelope showing that the application sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Additionally, as a copy of the application papers (specification, including claims, drawings, if any, and the declaration) must be sent to the non-signing inventor, petitioners should explain what papers were actually sent to the non-signing inventor.

In regards to item (1), petitioners have not provided proof that In the event that the application is returned as undeliverable by the post office, petitioners should provide a copy of the

envelope showing that the application sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first hand knowledge of the details.

In the event that the non-signing inventor refuses to sign the declaration, petitioners must present proof thereof. If there is a written refusal, a copy of the written refusal should be submitted with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy